

**MINUTES RECAP
MARYSVILLE CITY COUNCIL – REGULAR MEETING**

000150

April 10, 2000

<u>CALL TO ORDER/FLAG SALUTE:</u>	7:00 P.M.
<u>ROLL CALL:</u>	Shirley Bartholomew - excused
<u>MINUTES OF PREVIOUS MEETINGS:</u>	
1. City Council Retreat; March 24 & March 25, 2000.	Approved as corrected
2. City Council Meeting; April 3, 2000.	Approved as corrected
<u>AUDIENCE PARTICIPATION:</u>	
1. Bruce Tipton regarding education reform.	To be placed on Council agenda by May 8, 2000
<u>PRESENTATIONS/PETITIONS/COMMUNICATIONS:</u>	None
<u>ACTION ITEMS:</u>	
Review Bids	None
Public Hearing	
1. 164 th Street Annexation; PA 9909042.	Approved annexation and prezone
Current Business	
New Business	
1. Sunnyside Boulevard Design Report; Consultant Agreement; Entranco.	Continued to April 24, 2000
Consent Agenda	
1. Approval of April 10, 2000 Claims in the Amount of \$392,304.04; Paid by Check Nos. 51576 through 51669 with Check No. 51512 Void.	Approved
2. Special Events Permit – Davis Amusement Cascadia for Amusement Rides, Food Booths, Midway Games.	Continued to April 24, 2000
Legal	
Ordinances & Resolutions	
1. A Resolution of the City of Marysville Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.	Approved Resolution 1978
<u>DISCUSSION ITEMS:</u>	
<u>INFORMATION ITEMS:</u>	
1. Mayor's Business.	
2. Staff's Business.	
3. Call on Councilmembers.	
<u>ADJOURNMENT:</u>	10:30 p.m.
<u>EXECUTIVE SESSION:</u>	None

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING**

April 10, 2000

CALL TO ORDER/FLAG SALUTE:

The meeting was called to order by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:

Dave Weiser, Mayor
Mike Leighan, Mayor Pro Tem
Jim Brennick
NormaJean Dierck
Donna Pedersen
Suzanne Smith
John Soriano

Administrative Staff Present:

Dave Zabell, City Administrator
Robert Carden, Chief of Police
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Bruce Keithly, City Attorney
Roger Kennedy, Fleet & Facilities
Lillie Lein, Recording Secretary

Mayor Weiser advised that Councilmember Bartholomew was ill and unable to attend.

MOTION by Pedersen, second by Dierck to excuse the absence of Councilmember Bartholomew. Motion carried unanimously (6-0).

MINUTES OF PREVIOUS MEETINGS:

1. City Council Retreat, March 24, 2000 & March 25, 2000.

Councilmembers noted the following corrections:

- Page 5, sixth box from the bottom, last sentence. Delete the word "if".

MOTION by Dierck, second by Brennick to approve the minutes of March 24, 2000 and March 25, 2000 retreat as corrected. Motion carried unanimously (6-0).

2. City Council Meeting; April 3, 2000.

Councilmembers noted the following corrections:

- Page 1, Call to Order/Flag Salute. NormaJean Dierck was present.
- Page 2, New Business, 2. Third from last bullet on page, ATU should be NTU.
- Page 4, Information Items 1. Under Mr. Weed, sentence should read, "The Supreme Court recently handed down an important decision regarding adult entertainment and nude dancing."
- Page 4, Information Items 1. Under Mr. Carter, sentence should read, "The signal at the corner of State Avenue and 116th Street would be replaced on April 6."
- Page 4, Information Items 3. Under Councilmember Pedersen, item regarding Town Meetings should be under Councilmember Brennick.
- Page 4, Information Items 3. Under Councilmember Dierck, sentence should read, "Had Dave Zabell talked with Steve Holt, Snohomish County Planning Director, regarding Randy Milton explaining the administrative rule and a Tri-County update by Meg Moorehead to the council on April 28? Ms. Hirashima said that date needed to be postponed, and a specific date has not been set

MOTION by Dierck, second by Pedersen to approve the minutes of the April 3, 2000 meeting as corrected. Motion carried unanimously (6-0).

AUDIENCE PARTICIPATION:**1. Bruce Tipton, 6308 100th Street N.E., Marysville:**

Proposed an Act entitled, "The No Harm to Education Act" regarding education reform, and requested a motion to pass the Act and, thereafter be reviewed for proper legal language.

Councilmember and Staff Comments:

- There is a history of the City of Marysville working well with the School District in regard to utilities when a new school is being considered.
- The City is required to consider schools under the State Subdivision and Growth Management Act. There is a certainty as to the method in applying impact fees, and to how impacts are met.
- Would like time to review and have the City Attorney review before making a decision.
- It was noted that this is probably not in the correct format to be adopted by Council.
- Would like to have the School District review.

Consensus of Council to place this item on the Council agenda by May 8, 2000.

2. Robert Shaha

Mayor Weiser advised Mr. Shaha that he could not allow him to speak under audience participation because the subject he requested to speak on was scheduled for public hearing the following evening before the Planning Commission and then would be coming before the City Council.

3. Aaron Koons, 7113 74th Street, Marysville.

Mr. Koons wanted to clarify that the following evening the Planning Commission would be able to consider impact on schools when considering the proposals before them. Ms. Hirashima answered that the Planning Commission would be considering whether it would be appropriate to designate the site for multi-family use.

PRESENTATIONS/PETITIONS/COMMUNICATIONS:

None

ACTION ITEMS:**Review Bids**

None

Public Hearing

1. 164th Street Annexation; PA 9909042.

Ms. Hirashima confirmed that this public hearing had been properly noticed, and provided the background information for this annexation

and prezone request. She noted that a public hearing was held by the Planning Commission to consider the zoning for the annexation on February 22, 2000, and their recommendation is for approval of the prezone consistent with the City's Comprehensive Plan.

Councilmember Leighan noted two detention facilities in this area, one is drainage for Smokey Point Boulevard that comes in from Arlington, and asked if Marysville has a maintenance agreement with Arlington. Mr. Winckler replied that Marysville does not have any kind of drainage agreement with Arlington at this time.

Mayor Weiser opened the public testimony portion of the hearing.

1. George Wilcox, 1522 Third Street, Marysville:

Mr. Wilcox noted that he represented Marysville Livestock Auction Yard, who owns approximately 126 acres west of Smokey Point Boulevard. Mr. Wilcox spoke in favor of the annexation noting the following:

- Land is designated in the Marysville Comprehensive Plan as light industrial.
- Businesses along Smokey Point have formed a Road Improvement District of which his clients participated.
- Sewer and Water are in place.
- Area is ready for urban development.
- Taxes are too high to justify the current use.
- Area is within Marysville UGA.
- Light industrial and commercial uses would bring tax revenues that would be good for the city.

Questions by Councilmembers:

- Is anyone opposed to this annexation? Mr. Wilcox replied that he knew of absolutely no one opposed.
- Does the auctioneer have someone to purchase the property? Mr. Wilcox replied that he has had offers but nothing has been finalized.
- If there were a buyer, what would they be putting there? Mr. Wilcox did not know.
- Mr. Wilcox was asked if he knew what the farmer with the agricultural land planned. Mr. Wilcox was not sure. He had heard the property was sold.

2. Becky Foster, 15526 Smokey Point Boulevard, Marysville:

Ms. Foster spoke in favor of the annexation, and clarified that no one was farming anymore. She said the former strawberry farm is selling strawberries and landscaping materials. Another property across the from hers is being used as a turf farm.

3. Bruce Foster, 15526 Smokey Point Boulevard, Marysville:

Mr. Foster spoke in favor of the annexation stating that the Lakewood School District is closely tied into this, and noting that they have passed a bond issue and levy but what they need is commercial growth. Mayor Weiser inquired why, now that they have a four lane highway, water and sewer, fire protection, and police protection, they want to bring this area into the city? Mr. Foster replied that this goes back ten years, and the area residents want to be under one political umbrella of a political body that will do something for that area.

4. Keith Biever, 4126 77th Place N.W., Marysville:

Mr. Biever spoke in favor of the annexation stating that he was speaking on behalf of several owners who collectively owned approximately 50 acres. He said that, for his clients, it is not so much getting into Marysville, as it is getting out of Snohomish County. They need some certainty in zoning so they can sell their property.

5. Dave Pedersen, 227 Bellevue Way, Bellevue:

Mr. Pedersen spoke in favor of the annexation noting that he has 21 acres and is waiting for a decision by someone on what the zoning will be so that he can sell his property.

6. Mike Papa, 8127 54th Drive N.E., Marysville:

Mr. Papa expressed concern for drainage and recommended limiting impervious surfaces as a precondition to the annexation.

7. Sue Adams, Director of Pilchuck Audubon Society, 1803 Hewitt, Everett:

Ms. Adams read the mission statement for the Pilchuck Audubon Society, and discussed environmental impacts on a watershed area. She expressed concerns for sensitive areas protection, 4D ruling for salmon, and flooding problems in the area and the high water table. Finally she suggested purchase by the cities of Marysville and Arlington to preserve the land. Adding that it could be purchased through grants and acquisition funds, and would make a great park.

Mayor Weiser referred to the fact that the 4D Rule is a federal law and, as such, asked what difference it would make if this area were in the County or City. Ms. Adams said it would make no difference.

Councilmember Smith asked if she had sources for acquisition funding, and Ms. Adams said she did but did not bring that information with her tonight.

Councilmember Pedersen asked if the Pilchuck Audubon Society was interested in purchasing the property? Ms. Adams replied that they are a 501.C3 organization with very limited funds.

8. Darrell Thompson, 9222 240th SW, Edmonds: Mr. Thompson stated that he is the President of the Pilchuck Audubon Society. Mr. Thompson referred to the report and stated that it was full of warnings and limitations. He warned Council that they were embarking on a dangerous mission. Referring to a building allowed at 152nd and 40th noting that the building is sinking.

He referred to the term "modification without definition", and said Council should be concerned about what that means. He also referred to the following pages where he felt Council should be concerned: Pages 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 3.4. He said, even the final comments said don't do this.

Mr. Thompson referred to "eco-tourism" stating that this is one of the most important estuaries in the entire region. People are paying big money to go where there are estuaries, wildlife, and habitat. He suggested Council back off and look at what they really have here, take a leadership role, and do the right thing. He spoke about partnering with other organizations to purchase the property.

He recommended that the stream study be verified by the appropriate regulatory agency as soon as practical.

Councilmember Smith noted serious concerns about the study also stating that it notes you would have to put in four foot of fill to build.

9. Jay Goodwin, 16827 Smokey Point Boulevard, Arlington:

Mr. Goodwin noted that he has been a businessman in Smokey Point for 19 years, and voiced concern over traffic. He said he was a member of the Board of Directors of the Land Conservancy and suggested the city try to purchase property. He said he could see both sides of the argument.

Councilmember Dierck asked if Mr. Goodwin would be willing to look into a purchase option. Mr. Goodwin replied he would, and noted that agricultural use does not propose a drainage problem.

10. Kevin Kvamme, 3783 Happy Road, Everson:

Mr. Kvamme said he was a property owner in the annexation area, and referred to Article 5 of the Billing of Rights regarding the taking of private land for public use without just compensation. He said he has been paying property tax based on a Comprehensive Use Plan that dates back twelve years; however, the County suggested he apply for a rezone. He felt his property should fall under Marysville jurisdiction.

He has had geo tests and wetland studies done on his property , and has run-off draining into ditches, and it has worked well for him. He did not feel it would be necessary to bring in four foot of fill.

Councilmember Leighan asked how long Mr. Kvamme has owned the property and if during that time he had ever been approached by any conservancy group to buy his property? Mr. Kvamme stated that he has owned the property about 3 years, and he has hiking trails that public have used.

Councilmember Smith confirmed that he has owned the property for three years. Mr. Kvamme stated that he has raised vegetables for 20 years, has been a dairy farmer, and raised raspberries; served on the Oregon/Washington Agricultural Board and the Northwest Washington Farm Crops Board. He noted that when he got out of college, Whatcom County had seven food processors, and now they have none; Twin City Foods in Stanwood is the only one left. He noted how hard it is to make it in agriculture in this area.

Councilmember Smith asked, Mr. Kvamme, as an agricultural man, how he would rate the property out there for agricultural quality? Mr. Kvamme replied not very high because of the limited number of crops you could raise here.

11. Dave Gladstone, 16626 72nd Street S.E., Snohomish:

Mr. Gladstone stated that he was an interested party. He noted that organic gardening is growing in the U.S. and voiced concern over special owl and eagle habitats where trees are not cut down. He said that he has approached the property owner about purchasing property at a lower cost to conserve it. He further stated that he did not think any community should be in the position of bailing out an individual who has not made a good business decision in purchasing property.

Mayor Weiser commented that traffic and drainage would not be affected differently whether developed under City regulations or County.

George Wilcox gave the proponent's rebuttal:

Mr. Wilcox noted that Marysville Livestock Auction Yard is being taxed at a higher use because the County is basing their tax on potential use.

Mr. Wilcox noted that a lot of light industrial property in Marysville is selling for approximately \$8/sq. ft. so when there is a large tract of land, it is a valuable piece of property. He has walked the Auction Yard property and he thought the property Mr. Thompson was referring to was property either to the east or south of the annexation area because he hasn't seen any wetland plants.

Councilmember Dierck thought that Mr. Thompson was referring to property across the street from the Auction Yard. Mr. Wilcox said he had been conferring with Becky Foster, and they were not sure the Quil Ceda ran through any part of the annexation area. Councilmember Dierck referred to the 152nd Street Annexation, and Ms. Hirashima stated that in reference to the creek system there is confusion with the ditch system.

MOTION by Dierck, second by Smith to reopen the public testimony portion of the hearing to allow Mr. Kvamme and Mr. Thompson to speak. Motion carried unanimously (6-0).

Kevin Kvamme:

Mr. Kvamme stated that in regard to his property (88 acres directly east of the auction barn), he has had the Army Corp of Engineers do a wetlands study that found no wetlands on his property other than ditches (small sub-collector ditches), and noted that this is a farming practice. He describe how the ditch system worked using three different types of ditches, and said the main ditch is what the Army Corp of Engineers termed wetlands.

Darrell Thompson:

Mr. Thompson noted that all of the drainage areas being talked about drain into Quil Ceda, and that what one farmer terms a ditch, another may term an altered stream. He said this is not an issue of farmers against engineers.

Mayor Weiser closed the public testimony portion of the hearings at 8:50 p.m.

Staff Responses and Comments to Council's Questions:

- Chief Carden responded that the County received 308 calls from this area last year with a lot of them being traffic and a few burglaries. This is an average of one call per day. Their bigger concern was radio reception, but with the new tower, this should be taken care of.
- Chief Carden responded to Councilmember Brennick's question regarding the ratio of officers to population by stating there are many factors, and this is a concern when an area is annexed. They will be conducting a study regarding annexations and how they affect the police department, but for now, all Chief Carden could say was that this area averages about one call per day.

- Ms. Hirashima confirmed that the Livestock Yard would be able to continue to operate. The recommended action would not change that.
- Mr. Winckler explained that Marysville is already servicing the area with water from the Stilly.
- Ms. Hirashima noted that light industrial allows a broad use including manufacturing, commercial and offices.
- Ms. Hirashima stated that there would not be a separate stormwater management study for this area as was done for the 152nd Street annexation, because the two areas are similar, the same issues identified in the 152nd Street plan would be present in the area to the north. Also, the area to the north all eventually drains to the south.
- Mr. Winckler explained that Marysville is already servicing this area for sewer, and was considered when the comprehensive plan was developed.
- Mr. Winckler noted the need to determine whether or not to have more water filtered, and added that the system designed would be large enough for the area to be served so the annexation would have no bearing.
- In discussing sewer, Mr. Winckler said that the temporary lift station may be needed to compensate for some low spots, and Mr. Zabell added that this is only temporary, eventually it would be a gravity flow to the east.
- Councilmember Smith was concerned about building and said she would like to see an administrative rule that required 150-ft. buffer from the stream and another 150-ft. buffer before putting in any impervious surface.
- Councilmember Smith was concerned about maintaining the integrity of the aquifer and stream and limiting impervious areas.
- Councilmember Dierck expressed concern that once something is built, you can't go back.

MOTION by Dierck to approve the annexation and adopt the County's administrative rule. There was no second to this motion, and the motion was set aside.

- Councilmember Leighan stated that the best way to have control of the water table is to have control of the area. He also noted that there might need to be some restoration to streams.
- Councilmember Pedersen inquired about impervious surfaces, and Ms. Hirashima explained that grasscrete would be an alternative, but gravel is considered impervious.
- Councilmember Pedersen said she had confidence in property owners hiring qualified engineers, and was a firm believer in free enterprise.
- Councilmember Brennick referenced the redirection of the stream and noted that when the utility company laid lines on 152nd Street,

they did not run into any serious water problems, and their lines are buried 8-10 ft. He agreed with Councilmember Leighan that the City should maintain control of their own rules.

Friendly amendment by Smith to look at the acquisition option. Amendment accepted by Dierck. A roll call vote was taken. Motion failed (4-2). Dierck and Smith For. Brennick, Leighan, Pedersen, and Soriano Against.

MOTION by Leighan, second by Brennick to approve the staff recommendations for annexation and prezone. Upon roll call vote, Brennick, Leighan, Pedersen, and Soriano for; Dierck and Smith against. Motion carried.

Mayor Weiser called for a ten-minute recess at 9:25 p.m. and reconvened the meeting at 9:35 p.m.

Current Business

None

New Business

1. Sunnyside Boulevard Design Report; Consultant Agreement; Entranco.

Comments & Questions by Council and Staff:

- Councilmember Leighan asked if the City was locked into the road design, and Mr. Winckler replied that they were unless bike lanes could be moved.
- Councilmember Dierck confirmed that there would be sidewalks and bike lanes on both sides of the road.
- Mr. Winckler noted that right now, none of this work could be done in-house.
- In reference to the 4-D Rule, Mr. Winckler stated that reviews would have to be done before determining if it would affect this project.
- Mr. Winckler confirmed that any DOE concerns could usually be accommodated in this early stage.
- Mr. Winckler said that this project is scheduled to begin in 2002 but the City does not have the money yet.
- In response to Councilmember Brennick's concern over a one-day wetland site evaluation, Mr. Winckler replied that this would be enough time because it is a reconnaissance.
- Councilmember Brennick confirmed that there was a back-up plan if the sewer line was not continued.
- Councilmember Smith confirmed that there would be 5-ft. planting strips.

- Councilmember Soriano asked for clarification of Task 3, Item C where it refers to the Muckleshoot Tribe, and Mr. Winckler answered that it should read Tulalip Tribes.

Jeff Seibert, 5004 80th Street N.E. Marysville:

Mr. Seibert said he felt this roadway would be a major east-west arterial and should be four lanes to start so you wouldn't have to go back and tear up the sidewalks, etc. Councilmember Dierck asked if that could be done, and Mr. Winckler replied it could if you moved the bike lanes.

Councilmembers Comments:

Councilmember Brennick requested traffic study information and a map.

Councilmember Pedersen requested information on possible development in the area.

MOTION by Dierck, second by Smith to continue this for two weeks, and come back with a traffic report, map of the road, and number of plats being developed. Motion carried (5-1) with Leighan against.

Consent Agenda

1. Approval of April 10, 2000 Claims in the Amount of 392,304.04; Paid by Check Nos. 51576 through 51669 with Check No. 51512 Void.

MOTION by Pedersen, second by Leighan to approve consent item 1. Motion carried (5-1) with Dierck Against.

2. Special Events Permit – Davis Amusement Cascadia for Amusement Rides, Food Booths, Midway Games.

MOTION by Dierck, second by Brennick to continue consent item 2 to April 24, 2000. Motion carried (5-1) with Leighan against.

Legal

None.

Ordinances & Resolutions

1. A Resolution of the City of Marysville Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.

MOTION by Dierck, second by Brennick to approve Resolution No. 1978. Motion carried unanimously (6-0).

DISCUSSION ITEMS:

None.

INFORMATION ITEMS:

1. Mayor's Business.

- Mayor Weiser thanked Mayor Pro Tem Leighan for chairing the April 3, 2000 Council meeting.
- Mayor Weiser noted that Council did not get to discuss Councilmember process during the retreat and suggested another time to meet for this. Councilmember Dierck stated she had five items she had wanted to discuss that were not addressed. Councilmember Pedersen suggested a ¾ day on a Saturday, noting that another issue not discussed was goals. Councilmember Brennick suggested tabling this discussion to the next meeting to allow time for Councilmembers to make a list of issues they would like to discuss. Councilmember Smith agreed that she would like a longer day to get it all done, but did not want to spend a lot of money. She asked if this could be done at minimal cost.

2. Staff's Business.

- Ms. Hirashima reminded Council of an open house on 116th Street Wednesday at 7:00 p.m. She added that there would also be a briefing for property owners at 3:00 p.m. that same day.

Ms. Hirashima noted the Planning Commission would be holding a public hearing the following evening on a Comprehensive Plan Amendment request that has received a lot of press.

- Mr. Winckler reminded Council of the upcoming Utilities Committee Meeting on Thursday, 7:30 a.m. at the Lloyd Taubeneck Building.

In reference to requests by Council to tour reservoirs, Mr. Winckler noted that it would probably take ½ day, and he would be happy to accommodate Council. He suggested this be coordinated through City Clerk Swenson.

3. Call on Councilmembers.

- Councilmember Soriano noted that, being a new Councilmember, he spoke to the City Clerk regarding attendance at the Planning Commission's public hearing and was advised not to attend.
- Councilmember Leighan noted that he had attended the Ash Street Park and Ride Open House. He said it was a beautiful facility but the open house did not have a large attendance.
- Councilmember Smith asked if the meeting with the Tribes had been scheduled yet? Mayor Weiser said it had not but would be soon.
- Councilmember Dierck asked if the city was still pursuing a college in Marysville. Mayor Weiser replied that the legislature did not address this issue during their last session, but they are aware that Marysville is still interested. He noted that the Tulalip Tribes

are also interested. Councilmember Dierck said she would like to see the city lobby hard for it.

- A discussion of the Planning Commission public hearing followed with City Attorney Keithly advising against Councilmembers attending. Councilmember Brennick asked about protocol for attending meetings, and Mayor Weiser stated that, if meetings were not regarding specific land use issues, there would not be a conflict.

City Attorney Keithly agreed that a meeting regarding a general issue for the community that is not a specific land use issue for one property owner is not a conflict of interest or an appearance of fairness issue.

Councilmember Brennick asked about the Skateboard Park meeting, and Mr. Keithly said that this was not a quasi-judicial issue. Mayor Weiser added that it was also an open house, not a public hearing.

Councilmember Smith asked about attending the Planning Commission meeting just to listen, and Mr. Keithly advised against it.

Councilmember Pedersen stated that she has made it a policy not to go to a group meeting unless she is invited to go and speak. She also has opted not to attend any Planning Commission meetings.

Councilmember Brennick asked the City Attorney if it was his opinion that Council should not attend any Planning Commission meetings. Mr. Keithly replied that they should not attend if they would be hearing a quasi-judicial issue for one property owner.

EXECUTIVE SESSION:

None

ADJOURNMENT:

Council adjourned at 10:30 p.m.

Accepted this 24th day of April, 2000.



Mayor



City Clerk



Recording Secretary